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March 27, 1995

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Docket 94-54, Equal Access and Interconnection Obligations Pertaining to
Commercial Mobile Radio Services
Ex Parte Presentation

Dear Mr. Caton:

This letter supplements the March 24, 1995 letter of Ben G. Almond notifying the Commission of an ex parte communication with staff of the Wireless Telecommunications Bureau. BellSouth representatives reviewed comments previously filed in FCC Dockets 94-54 and 92-115. BellSouth explained that Commission Rule 22.903 may and should be interpreted to proscribe BellSouth Telecommunications, Inc. (BST) from marketing cellular service on behalf of its cellular affiliate, but to permit BST to engage in simple resale of the cellular service of its affiliate to BST's own customers on its own behalf.

BellSouth identified changed circumstances that impel early clarification of this matter. On March 17, 1995 the Georgia General Assembly passed, nearly unanimously, Committee of Conference Substitute to SB 137, a copy of which is attached. The bill, which is expected to be signed into law this week by the Governor and to take effect July 1, 1995, authorizes the Georgia Public Service Commission to certificate competitive local exchange service providers in Georgia.

U S West, through its cable affiliates, and MCI Communications have announced their intent to provide local telephone service in Georgia as soon as it becomes lawful to do so. Time-Warner, U S West's affiliate, and MCI have also announced their intent to resell cellular service under their own brand names. BellSouth expects its new competitors to offer an array of local wireline and wireless services, including packages thereof, in the very near future. BST believes it critical that it too have the capability to meet its current and prospective customers' total local service needs. Consumers will be benefited too with a broader choice of service suppliers.

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List A B C D E

While the outcome of pending state legislation cannot be predicted with certainty, BellSouth notes that bills similar to that passed in Georgia have been filed in the legislatures of Florida, North Carolina and Tennessee. BellSouth does not believe it improbable that legislation could be enacted in those jurisdictions exposing to potential competition 65 percent of BST's local access lines by the end of this year.

These recent events are cited not as a reason for interpreting Rule 22.903 to permit BST's resale of cellular service, but as sound reason for the Commission to remove now the ambiguity attendant thereto.

Please associate this supplemental notification with the above referenced proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "William B. Barfield". The signature is fluid and cursive, with a large initial "W" and a long, sweeping underline.

William B. Barfield

WBB/pz
Attachment

cc: John Cimko, Jr.
Judith Argentieri
Nancy Booher
Ben G. Almond

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COMMITTEE OF CONFERENCE SUBSTITUTE TO SB 137

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 Title 46 of the Official Code of Georgia 22
2 Annotated, relating to telephone and telegraph service and 23
3 regulation of such service, so as to provide that certain 24
4 local exchanges shall be included in the current 404 area
5 code; to provide an exception; to provide for an alternative 25
6 system of regulation of telecommunications service; to 26
7 provide for a short title; to provide for legislative 27
8 findings and intent; to define certain terms; to provide for 28
9 the conditions under which such alternative system of
10 regulation shall be established; to provide for fair 29
11 competition and consumer protection in the local exchange 30
12 and intrastate telecommunications industry; to provide for 31
13 technological investment in such industry and economic
14 development for the State of Georgia; to provide for matters 32
15 to be regulated under such regulatory system; to provide for 33
16 the jurisdiction, powers, and duties of the Public Service 34
17 Commission with respect to implementing such regulatory
18 system; to authorize the Public Service Commission to 35
19 petition, intervene, or commence proceedings before federal 36
20 agencies or courts in furtherance of enhancing the
21 competitive market for telecommunications services in 37
22 Georgia; to provide for the applicability of the rules and 38
23 regulations of the Public Service Commission; to authorize 39
24 competition between local exchange companies under certain 40
25 conditions; to authorize the reselling of local exchange
26 services under certain conditions; to provide for 41
27 interconnection between certificated providers; to provide 42
28 procedures for interconnection; to authorize certain local 43
29 exchange companies to make an election relative to
30 alternative regulation; to provide for rates for switched 44
and to provide for 45

31 access; to create a universal access fund; to
32 contributions to and disbursements from said fund; to 46
33 require local exchange companies to file certain information
34 with the Public Service Commission; to provide limitations 47
35 on local exchange companies which elect an alternative 48
36 system of regulation; to provide for portability of
37 telephone numbers; to provide restrictions on local measured 49

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1 telecommunications services; to provide that certain local 50
2 exchange companies shall have an investment commitment; to 51
3 provide for certain privacy with respect to
4 telecommunications services; to provide that no provider of 52
5 telephone caller identification service shall be held liable 53
6 for violations of this Act committed by other persons or 54
7 corporations; to require the Public Service Commission to 55
8 report annually to the General Assembly concerning the
9 transition to alternative regulation; to provide for 56
10 applicability; to provide for other matters relative 57
11 thereto; to require the Public Service Commission to conduct
12 hearings relating to the costs, feasibility, and methodology 58
13 of providing for toll free calling between two telephones 59
14 where the central offices serving such telephones are within 60
15 an extended area of service of not less than 22 miles of
16 each other; to provide for a report of the commission's 61
17 findings; to provide for the Public Service Commission to 62
18 conclude its consideration in Docket 4231-U of the expansion 63
19 of local calling areas; to provide for severability; to
20 provide effective dates; to repeal conflicting laws; and for 64
21 other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA: 67

23 SECTION 1. 69

24 Chapter 5 of Title 46 of the Official Code of Georgia 71
25 Annotated, relating to telephone and telegraph service, is 72
26 amended by adding at the end of Article 1, relating to 73
27 general provisions, a new Code Section 46-5-5 to read as
28 follows: 74

29 "46-5-5. 76

30 Local exchanges 495 and 567 shall be included in the 78
31 current 404 area code on or before July 1, 1996, and 79
32 removed from the 706 area code; provided, however, that if 80
33 a geographic area of the 404 area code is designated as a
34 different area code and such geographic area is contiguous 81
35 to a part of the geographic area where local exchange 495 82
36 or 567 is operational, then nothing in this Code section 83

| | | |
|----|---|----|
| 37 | shall prohibit local exchange 495 01 007 from being | |
| 38 | included in the newly designated area code." | 84 |
| 39 | <u>SECTION 2.</u> | 87 |
| 40 | Said chapter is further amended by adding following Article | 89 |
| 41 | 3 a new Article 4 to read as follows: | 90 |

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| 1 | "ARTICLE 4 | 92 |
| 2 | 46-5-160. | 94 |
| 3 | This article shall be known and may be cited as 'The | 96 |
| 4 | Telecommunications and Competition Development Act of | 97 |
| 5 | 1995.' | |
| 6 | 46-5-161. | 99 |
| 7 | (a) The General Assembly finds: | 101 |
| 8 | (1) It is in the public interest to establish a new | 103 |
| 9 | regulatory model for telecommunications services in | 104 |
| 10 | Georgia to reflect the transition to a reliance on | 105 |
| 11 | market based competition as the best mechanism for the | |
| 12 | selection and provision of needed telecommunications | 106 |
| 13 | services at the most efficient pricing; | |
| 14 | (2) Investment in the telecommunications infrastructure | 108 |
| 15 | required to further economic growth in Georgia and to | 109 |
| 16 | meet the growing demands of Georgia's consumers will be | 110 |
| 17 | encouraged through competition; and | |
| 18 | (3) In order to ensure the implementation of this new | 112 |
| 19 | reliance on market based competition, any legislative | 113 |
| 20 | obstacles to competition for local exchange services | 114 |
| 21 | must be removed. | |
| 22 | (b) It is the intent of this article to: | 116 |
| 23 | (1) Permit local exchange companies to elect alternative | 118 |
| 24 | forms of regulation; | |
| 25 | (2) Protect the consumer during the transition to a | 120 |
| 26 | competitive telecommunications market; | 121 |
| 27 | (3) Assure reasonable cost for universal access to basic | 123 |
| 28 | telecommunications services throughout Georgia; | 124 |
| 29 | (4) Encourage investment in Georgia's telecommunications | 126 |
| 30 | infrastructure and encourage the introduction of | 127 |
| 31 | innovative products and services for Georgia's | |
| | | 128 |

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| 32 | consumers; | |
| 33 | (5) Authorize competition for local exchange services; | 130 |
| 34 | and | |
| 35 | (6) Allow pricing flexibility for all telecommunications | 132 |
| 36 | services other than basic local exchange services. | 133 |
| 37 | 46-5-162. | 135 |
| 38 | As used in this article, the term: | 137 |

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| 1 | (1) 'Alternative regulation' means a form of regulation | 139 |
| 2 | pursuant to which the rates, terms, and conditions for | 140 |
| 3 | telecommunications services provided by a local exchange | 141 |
| 4 | company are set pursuant to the rules specified in this | |
| 5 | article. | 142 |
| 6 | (2) 'Basic local exchange services' or 'universal access | 144 |
| 7 | local exchange services' mean the provision to | 145 |
| 8 | residential and single line business customers in | 146 |
| 9 | Georgia of services composed of a touch tone switched | |
| 10 | access line and dial tone, of a quality sufficient for | 147 |
| 11 | two way voice and 9600 baud data/fax communications. | 148 |
| 12 | This service shall include 1+ dialing for access to | 149 |
| 13 | competitive providers of telecommunications services by | |
| 14 | January 1, 1997. The elements of universal access local | 150 |
| 15 | exchange services are subject to subsequent review and | 151 |
| 16 | modification by the commission. | |
| 17 | (3) 'Caller identification service' means a type of | 153 |
| 18 | telephone service which permits telephone customers to | 154 |
| 19 | see the telephone number of incoming telephone calls. | 155 |
| 20 | (4) 'Commission' means the Georgia Public Service | 157 |
| 21 | Commission. | |
| 22 | (5) 'Electing company' means a local exchange company | 159 |
| 23 | subject to the alternative regulation described in this | 160 |
| 24 | article. | |
| 25 | (6) 'Fund' means the Universal Access Fund created in | 162 |
| 26 | Code Section 46-5-167. | 163 |
| 27 | (7) 'Gross domestic product-price index' or 'GDP-PI' | 165 |
| 28 | means the gross domestic product fixed weight price | 166 |
| 29 | index calculated by the United States Department of | 167 |
| 30 | Commerce. | |
| 31 | (8) 'Interconnection service' means the service of | 169 |
| 32 | providing access to a local exchange company's | 170 |
| 33 | facilities for the purpose of enabling another | |
| 34 | telecommunications company to originate or terminate | 171 |
| 35 | telecommunications service. | 172 |
| 36 | (9) 'Local calling area' means the geographic area | 174 |

| | | |
|----|--|-----|
| 37 | encompassing one or more local exchanges as described in | 175 |
| 38 | commission orders or in maps, tariffs, and rate | 176 |
| 39 | schedules reviewed and approved by the commission. | |
| 40 | (10) 'Local exchange company' means a telecommunications | 178 |
| 41 | company authorized to provide local exchange service as | 179 |

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1 described in this article. For purposes of this 180
2 article, there shall be two categories of local exchange
3 companies: 181

4 (A) Tier 1 companies are those companies with two 183
5 million or more access lines within Georgia holding a 184
6 certificate of public convenience and necessity issued 185
7 by the commission; and

8 (B) Tier 2 companies are those companies with less 187
9 than two million access lines within Georgia holding a 188
10 certificate of public convenience and necessity issued 189
11 by the commission.

12 (11) 'Local exchange services' means services offered 191
13 for the transmission and utilization of two-way 192
14 interactive communications and associated usage with the 193
15 local calling area.

16 (12) 'Local interconnection services' means that part of 195
17 switched interconnection service provided for the 196
18 purpose of originating or terminating a call which 197
19 originates and terminates within the local calling area.

20 (13) 'Portability' means the technical capability that 199
21 permits a customer to retain the same local number at 200
22 the same customer location regardless of the provider of 201
23 the local exchange service.

24 (14) 'Switched access' means that part of switched 203
25 interconnection service provided for the purpose of 204
26 originating or terminating a toll service.

27 (15) 'Switched interconnection service' means that part 206
28 of interconnection service which utilizes the local 207
29 exchange company's switching facilities to provide line 208
30 or trunkside access or both to the local exchange
31 company's end office or tandem switches for the purpose 209
32 of originating and terminating the telecommunications 210
33 services of other telecommunications companies. 211

34 (16) 'Tariff' means the schedule or other writing filed 213
35 with the commission that describes the rates, terms, and 214

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| 36 | conditions of certain telecommunications services | 215 |
| 37 | provided by the telecommunications company. | |
| 38 | (17) 'Telecommunications company' means any person, | 217 |
| 39 | firm, partnership, corporation, association, or | 218 |
| 40 | municipal, county, or local governmental entity offering | 219 |
| 41 | telecommunications services to the public for hire. | |

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1 (18) 'Telecommunications services' means the services 221
2 for the transmission of two-way interactive 222
3 communications to the public for hire. For purposes of 223
4 illustration, the term 'telecommunications services'
5 includes without limitation local exchange services and 224
6 interconnection services.

7 (19) 'Toll service' means the transmission of two-way 226
8 interactive switched communications between local 227
9 calling areas.

10 (20) 'Universal access provider' means a local exchange 229
11 company that is obligated to provide basic local 230
12 exchange service in all of its local calling areas in 231
13 response to reasonable requests for such service and
14 which, in consideration of such obligation, may have its 232
15 rates for local switched interconnection service 233
16 established as provided in this article.

17 46-5-163. 235

18 (a) A telecommunications company including a 237
19 telecommunications services reseller shall not provide 238
20 telecommunications services without a certificate of
21 authority issued by the commission. The provisions of 239
22 Code Section 46-5-45 shall apply in circumstances where a 240
23 telecommunications company is providing telecommunications 241
24 services without a certificate issued by the commission.

25 (b) The commission shall have the authority to issue 243
26 multiple certificates of authority for local exchange 244
27 services upon a showing to the commission that an
28 applicant possesses satisfactory financial and technical 245
29 capability. Any certificate existing on July 1, 1995, 246
30 shall remain effective and shall be considered a 247
31 certificate of authority under this article. A
32 certificate is not required for a telecommunications 248
33 company to provide commercial mobile services. The 249
34 commission shall also have the authority to issue
35 certificates to long distance telecommunications carriers 250
36 subject to federal court decisions, federal law, and 251
37 regulations of the Federal Communications Commission. 252

| | | |
|----|--|-----|
| 38 | (c) A showing of public convenience and necessity is not a | 254 |
| 39 | condition for issuing a competing certificate of | 255 |
| 40 | authority. Prior to July 1, 1998, only a currently | 256 |
| 41 | certificated Tier 2 local exchange company may be issued a | |
| 42 | certificate of authority to compete for service in an area | 257 |
| 43 | served by an existing Tier 2 local exchange company. | 258 |

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1 (d) Any certificate of authority issued by the commission 260
2 is subject to revocation, suspension, or adjustment where 261
3 the commission finds upon complaint and hearing that a 262
4 local exchange company has engaged in unfair competition
5 or has abused its market position. 263

6 (e) The commission shall grant certificates of authority 265
7 in a timely manner and all such proceedings on complaints 266
8 regarding abuse shall be resolved in a timely manner. 267

9 (f) All local exchange companies certificated by the 269
10 commission shall be subject to the same rules and 270
11 regulations applied by the commission to other local 271
12 exchange companies certificated to provide local exchange
13 services within the same area; provided, however, that in 272
14 promulgating rules and regulations necessary to implement 273
15 the provisions of this article, the commission may adopt
16 rules and regulations for local exchange companies 274
17 certificated after July 1, 1995, which vary from other 275
18 rules and regulations applicable to the delivery of
19 telecommunications services but which are appropriate and 276
20 consistent to service being delivered by such local 277
21 exchange companies and are adopted in the public interest. 278

22 46-5-164. 280

23 (a) All local exchange companies shall permit reasonable 282
24 interconnection with other certificated local exchange 283
25 companies. This subsection includes all or portions of 284
26 such services as needed to provide local exchange
27 services.

28 (b) The rates, terms, and conditions for such 286
29 interconnection services shall not unreasonably 287
30 discriminate between providers and shall be negotiated in
31 good faith between the providers and filed with the 288
32 commission.

33 (c) In the event that such rates, terms, or conditions 290
34 cannot be negotiated by the parties, the commission shall 291
on conditions for 292

35 determine the reasonable rates,
36 the interconnection services.

37 (d) Such interconnection services shall be provided for 294
38 intrastate services on an unbundled basis similar to that 295
39 required by the FCC for services under the FCC's 296
40 jurisdiction.

41 (e) The commission is authorized to allow local exchange 298
42 companies to resell the services purchased from other 299

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1 local exchange companies pursuant to rules determining 300
2 when and under what circumstances such resale shall be
3 allowed; provided, however, that the resale of basic local 301
4 exchange services supported by the Universal Access Fund 302
5 shall be limited to users and uses conforming to the 303
6 definition of basic local exchange services set forth in
7 paragraph (2) of Code Section 46-5-162. Any local exchange 304
8 company or telecommunications company desiring to purchase 305
9 or to resell services purchased from another local
10 exchange company may petition the commission for the 306
11 authorization to purchase or to resell such services. In 307
12 cases where the purchase or resale of services purchased 308
13 is authorized by the commission, the commission shall
14 determine the reasonable rates, terms, or conditions for 309
15 the purchase or resale of such local exchange services 310
16 such that no local exchange company or telecommunications
17 company gains an unfair market position. The commission 311
18 shall render a final decision in any proceeding initiated 312
19 pursuant to the provisions of this subsection no later 313
20 than 60 days after the close of the record except that the
21 commission, by order, may extend such period in any case 314
22 in which it shall find that the complexity of the issues 315
23 and the length of the record require an extension of such 316
24 period, in which event the commission shall render a
25 decision at the earliest date practicable. In no event 317
26 shall the commission delay the rendering of a final 318
27 decision in such proceeding beyond the earlier of 120 days
28 after the close of the record or 180 days from the filing 319
29 of the notice of petition under this subsection. The 320
30 commission, at its discretion or upon a petition filed by 321
31 either party, may modify a ruling rendered under this
32 subsection, provided that a petition for modification may 322
33 not be filed more than once in any 18 month period. 323

34 (f) The basic local exchange services of Tier 2 local 325
35 exchange companies may be purchased by competing providers 326
36 at the tariffed rate, provided such reselling does not 327
37 result in the loss of intrastate or interstate revenues to
38 the selling company for the individual service being 328
39 resold. This subsection does not apply to Tier 2 local 329

40 exchange companies that have switched access rates that 330
41 are lower than or at parity with the same local exchange
42 company's interstate switched access rates. 331
43 (g) The commission shall have the authority to require 333
44 local exchange companies to provide additional 334
45 interconnection services and unbundling.

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1 46-5-165. 336

2 (a) Any Tier 1 local exchange company may elect to have 338
3 its rates, terms, and conditions for its services 339
4 determined pursuant to the alternative regulation 340
5 described in this article, in lieu of other forms of
6 regulation including but not limited to rate of return or 341
7 rate base monitoring or regulation, upon the filing of 342
8 notice with the commission and committing to provide basic 343
9 local exchange services upon reasonable request and to
10 invest \$500 million per year for five years to improve and 344
11 strengthen telecommunications services in Georgia; 345
12 provided, however, that after the expiration of three 346
13 years of such investments, the commission shall determine,
14 after notice and opportunity for a Tier 1 local exchange 347
15 company or other interested parties to be heard, whether 348
16 such investment commitment should be continued for the 349
17 remaining two years or whether such commitment should be
18 reduced. 350

19 (b) Any Tier 2 local exchange company may elect to have 352
20 the rates, terms, and conditions for its services 353
21 determined pursuant to the alternative regulation
22 described in this article upon the filing of notice with 354
23 the commission and committing to provide basic local 355
24 exchange services upon reasonable request.

25 (c) The alternative regulation under this article shall 357
26 become effective on the date specified by the electing 358
27 company but in no event sooner than 30 days after such 359
28 notice is filed with the commission.

29 (d) On the date a telecommunications company elects the 361
30 alternative regulation described in this article, all 362
31 existing rates, terms, and conditions for the services 363
32 provided by the electing company contained in the then
33 existing tariffs and contracts are deemed just and 364
34 reasonable.

35 46-5-166. 366

36 (a) An electing local exchange company shall have its 368
37 rates for basic local exchange services determined 369
38 pursuant to this Code section.

39 (b) Rates for basic local exchange services for 371
40 residential and single line business customers in effect 372
41 on the date the local exchange company becomes subject to 373
42 alternative regulation described in this article shall be

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1 the maximum rates that the local exchange company may 374
2 charge for basic local exchange services for a period of 375
3 five years, provided that such maximum rates are subject 376
4 to review by the commission pursuant to subsection (f) of
5 this Code section under rules promulgated by the 377
6 commission. During such period, the local exchange 378
7 company may charge less than the authorized maximum rates
8 for basic local exchange services. Thereafter, rate 379
9 adjustments for basic local exchange services may be made 380
10 pursuant to subsection (c) of this Code section.

11 (c) Rates for basic local exchange services may be 382
12 adjusted by the electing company subject to an inflation 383
13 based cap. Inflation shall be measured by the change in 384
14 the GDP-PI. The electing company is authorized to adjust
15 the cap on an annual basis. The cap requires that the 385
16 annual percentage rate increase for basic local exchange 386
17 services shall not exceed the greater of one-half of the 387
18 percentage change in the GDP-PI for the preceding year
19 when the percentage change in the GDP-PI exceeds 3 percent 388
20 or the GDP-PI minus 2 percentage points.

21 (d) In the event the GDP-PI is no longer available, the 390
22 commission shall elect a comparable broad national measure 391
23 of inflation calculated by the United States Department of 392
24 Commerce for its use.

25 (e) The local exchange company shall set rates for all 394
26 other local exchange services on a basis that does not 395
27 unreasonably discriminate between similarly situated 396
28 customers; provided, however, that all such rates are
29 subject to a complaint process for abuse of market 397
30 position in accordance with rules to be promulgated by the 398
31 commission. Competing local exchange companies may resell
32 local exchange services purchased from other local 399
33 exchange companies.

34 (f)(1) Except as otherwise provided in this subsection, 401
35 the rates for switched access by each Tier 1 local 402
36 exchange company shall be no higher than the rates 403
37 charged for interstate access by the same local exchange
38 company. The rates for switched access shall be 404

39 negotiated in good faith between the parties. In the 405
40 event that the rates for switched access cannot be
41 negotiated between the parties, any party may petition 406
42 the commission to set reasonable rates, terms, or 407
43 conditions for switched access. The commission shall
44 render a final decision in any proceeding initiated 408

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1 pursuant to the provisions of this paragraph no later 409
2 than 60 days after the close of the record except that
3 the commission, by order, may extend such period in any 410
4 case in which it shall find that the complexity of the 411
5 issues and the length of the record require an extension 412
6 of such period, in which event the commission shall
7 render a decision at the earliest date practicable. In 413
8 no event shall the commission delay the rendering of a 414
9 final decision in such proceeding beyond the earlier of
10 120 days after the close of the record or 180 days from 415
11 the filing of the notice of petition for determination 416
12 of rates for switched access that initiated the
13 proceeding. 417

14 (2) Each Tier 2 local exchange company shall, prior to 419
15 July 1, 2000, adjust in equal annual increments its 420
16 intrastate switched access charges to parity with its 421
17 similar interstate access rates. The commission shall
18 have authority to govern the transition of Tier 2 local 422
19 exchange company switched access rates to their 423
20 corresponding interstate levels and shall allow
21 adjustment of other rates, including those of basic 424
22 local exchange services or universal service funds, as 425
23 may be necessary to recover those revenues lost through
24 the concurrent reduction of the intrastate switched 426
25 access rates. In no event shall such adjustments exceed 427
26 the revenues associated with intrastate to interstate 428
27 access parity as of July 1, 1995. In addition, if
28 access revenues have dropped below July 1, 1995, levels 429
29 in subsequent years, the adjustment in those years will 430
30 be based on the reduced balance. Any intrastate to
31 interstate switched access adjustments resulting in 431
32 increased local rates that have been capped under 432
33 subsection (b) of this Code section will be allowed and
34 a new cap will be established pursuant to this Code 433
35 section. In the event that the rates for switched 434
36 access cannot be negotiated in good faith between the
37 parties, the commission shall determine the reasonable 435
38 rates for switched access in accordance with the 436
added in paragraph (1) of this subsection.

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proceedings -

40 (g) In accordance with rules to be promulgated by the 438
41 commission, any electing company shall file tariffs with 439
42 the commission for basic local exchange services and other 440
43 local exchange services that state the terms and
44 conditions of such services and the rates as established 441
45 pursuant to this Code section. 442

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1. 46-5-167. 444

2 (a) The commission shall create a Universal Access Fund to 446

3 assure the provision of reasonably priced access to basic 447

4 local exchange services throughout Georgia. The fund 448

5 shall be administered by the commission under rules to be 449

6 promulgated by the commission as needed to assure that the

7 fund operates in a competitively neutral manner between 450

8 competing telecommunications providers. 451

9 (b) The commission shall require all telecommunications 453

10 companies providing telecommunications services within 454

11 Georgia to contribute quarterly to the fund in a 455

12 proportionate amount to their gross revenues from sale to

13 end users of such telecommunications services as 456

14 determined by rules to be promulgated by the commission. 457

15 (c) The commission may also require any telecommunications 459

16 company to contribute to the fund if, after notice and 460

17 opportunity for hearing, the commission determines that 461

18 the company is providing private local exchange services 462

19 or radio based local exchange services in this state that

20 compete with a telecommunications service provided in this 463

21 state for which a contribution to the fund is required 464

22 under this Code section.

23 (d) Contributions to the fund shall be determined by the 466

24 commission based upon estimates as to the difference in 467

25 the reasonable actual costs of basic local exchange 468

26 services throughout Georgia and the amounts established by

27 law or regulations of the commission as to the maximum 469

28 amounts that may be charged for such services. 470

29 (e) Moneys in the fund shall be distributed quarterly to 472

30 all providers of basic local exchange services upon 473

31 application and demonstration that the reasonable costs as 474

32 determined by the commission to provide basic local

33 exchange services exceed the maximum fixed price permitted 475

34 for such basic local exchange services. The commission 476

35 may take into account the possibility that a competing 477

36 local exchange company is providing or could provide lower

37 cost basic local exchange services. Competitive providers 478